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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,168	12/21/2000	Armando Paul Stettner	005217.P021	1237

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/19/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,168

Applicant(s)

STETTNER, ARMANDO PAUL

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The pending U.S. Patent Application cited in the specification must be updated (i.e., update the relevant status with PTO serial number on page 8, lines 21-25).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack proper antecedent basis:

- i. the participant terminal – claim 16, lines 8;

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5, 9-12, 15-17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshinobu (US 5,794,118).

7. As to claim 1, Yoshinobu discloses the invention substantially as claimed, including a method comprising:

receiving participant input for a show (col. 5, lines 4-8; col. 6, lines 52-56) and subsequently disconnecting a communication with a participant that submitted the participant input (153, fig. 6; col. 17, lines 21-25);

storing the participant input in a storage location (col. 5, lines 14-28; col. 6, lines 57-65; col. 14, lines 27-36; col. 30, lines 21-22 and 25-26);

automatically processing the stored participant input to determine a relationship of the participant input to the show (i.e., determining whether the user's input is responding to a particular show; col. 16, lines 39-45; col. 5, lines 20-28); and

based on the determined relationship, alerting the participant that submitted the participant input if the participant input is selected for the show (i.e., notifying the participants who are allowed to interact with the show; col. 5, lines 20-28; col. 17, lines 30-36; col. 20, line 48 – col. 21, line 52; col. 30, lines 31-33; col. 1, lines 46-56).

8. As to claim 2, Yoshinobu discloses prior to receiving the participant input for the show, notifying the participant of an availability of the show to receive the participant

input (col. 1, lines 48-50; col. 11, lines 6-23).

9. As to claim 3, Yoshinobu discloses a television or radio show (col. 1, lines 46-48).

10. As to claim 5, Yoshinobu disclose subsequent to alerting the participant, receiving additional participant input from the participant (i.e., receiving new participant input; col. 17, lines 53-56; col. 20, line 48 – col. 21, line 52; col. 1, lines 46-56).

11. As to claims 9-11, Yoshinobu discloses alerting the participant (i.e., notifying the participants; col. 5, lines 20-28; col. 17, lines 30-36; col. 20, line 48 – col. 21, line 52; col. 1, lines 46-56) and the participant input is capable of being received via a telephone call (i.e., bi-direction telephone communication; col. 6, lines 47-56; col. 8, lines 18-25 and 45-55).

12. As to claim 12, it is rejected for the same reasons set forth in claim 1 above. In addition, Yoshinobu discloses a machine-readable medium (i.e., RAM or ROM) having stored thereon instruction (col. 12, lines 45-56).

13. As to claim 15, Yoshinobu discloses collecting the participant input submitted for the show includes instructions to correlated the participant input according to predefined criteria (col. 5, lines 4-8 and 14-28; col. 6, lines 52-65; col. 14, lines 27-36; col. 30, lines

21-22 and 25-26).

14. As to claim 16, it is rejected for the same reasons set forth in claim 1 above. In addition, Yoshinobu discloses a server (i.e., broadcasting system) to receive participant input for a show (col. 5, lines 4-8; col. 6, lines 52-56); storage unit to store the participant input received by the server (col. 5, lines 14-28; col. 6, lines 57-65; col. 14, lines 27-36; col. 30, lines 21-22 and 25-26); and an alert generator to generate and transmit an alert to the participant terminal (i.e., notifying the participants; col. 5, lines 20-28; col. 17, lines 30-36; col. 20, line 48 – col. 21, line 52; col. 30, lines 31-33; col. 1, lines 46-56).

15. As to claim 17, Yoshinobu discloses an interactive video casting network (col. coupled to provide the show to the participant terminal (col. 19, lines 25-28 and 51-55).

16. As to claim 19, Yoshinobu further discloses a monitor coupled to the storage unit to control processing of the participant input stored in the storage unit and to control operation of the server (i.e., control system; col. 12, line 45 – col. 13, line 12).

17. As to claim 20, Yoshinobu discloses server (i.e., broadcasting system) is capable to store the received participant input information into the storage unit according to predefined criteria (col. 5, lines 14-28; col. 6, lines 57-65; col. 14, lines 27-36; col. 30, lines 21-22 and 25-26).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4, 6, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu (US 5,794,118), in view of Walker et al. (US 6,425,828).

20. As to claim 4, Yoshinobu does not specifically disclose identifying an alert preference of the participant. However, Walker discloses a plurality of methods for alerting the participant (i.e., email, audible or visual alerts; col. 14, lines 33-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yoshinobu and Walker because Walker's a plurality of alerting methods would allow a user to select the alerting method in the way of user preference (i.e., email, audible or visual alerts; col. 14, lines 33-37).

21. As to claim 6, Yoshinobu does not specifically disclose alerting the participant that subject matter related to another participant's input is to be addressed in the show. However, Walker discloses alerting the participant that subject matter related to another participant's input is to be addressed in the show (col. 2, lines 1-5; col. 4, lines 24-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yoshinobu and Walker because Walker's subject

matter related to another participant's input would allow the participant to know the type of topic or game that other user participates in the show.

22. As to claim 8, Yoshinobu does not specifically disclose human operator selecting the participant input for the show. However, Walker discloses human operator selecting the participant input for the show (col. 12, lines 24-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yoshinobu and Walker because Walker's human operator would allow the human operator to manually correct the decision that mistakes were made to select the participants for the show.

23. As to claim 13, it is rejected for the same reasons set forth in claim 4 above.

24. Claims 7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu (US 5,794,118), Walker et al. (US 6,425,828), further in view of Omoigui (US 6,694,352).

25. As to claims 7, 14 and 18, Yoshinobu discloses performing a keyword search on the text format to classify the participant input relative to the show (i.e., the participant input is classified by the user's interactive television specification version, "00", as information regarding a shopping by way of television; col. 20, lines 48-56). However, Yoshinobu and Walker do not specifically disclose a speech recognition technique to

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convert an audio format of the participant input into a text format. Omoigui discloses a speech recognition technique to convert an audio format of the participant input into a text format. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yoshinobu, Walker and Omoigui because Omoigui's audio-text converter would properly translate the audio data into text data.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Wuelly, patent 6,683,943, Inselberg, patent 6,650,903, Junkin, patent 6,193,610, Cai, patent 6,678,890, La Mura et al, patent 6,676,521, Walker et al, patent 6,224,486 disclose method and system for provide interactive user participation in a broadcast show or online game.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jungwon Chang
May 11, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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